

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
IP –Enabled Services)	WC Docket No. 04-36
)	

REPLY COMMENTS OF ALCATEL NORTH AMERICA

Alcatel North America (“Alcatel”) hereby files these Reply Comments in the above entitled docket. Alcatel is an international provider of communications equipment and solutions to service providers and enterprise customers. Alcatel views VoIP and other IP-enabled services as “multimedia over IP,” an environment in which a wide array of services, such as voice, data, and video, can be provided to users over separate and competing platforms using Internet Protocol.

In its Comments to the Commission, Alcatel advocated that the Commission exercise exclusive jurisdiction over any IP-enabled services that originate or terminate, or both, on IP, regardless of whether the service is classified as an “information service,” “telecommunications,” or a “telecommunications service.” The Commission has long standing precedent to exclude “enhanced” or “information services” from state regulation. This exclusion is not only due to the Commission’s policy of nonregulation of these services, but the insufficient means by which IP-based transmissions can be accurately determined to within a state’s boundaries and jurisdiction. Alternatively, even if the Commission were to hold that some forms of IP-enabled services that provide real-time voice services were “telecommunications” or “telecommunications services,” then

Commission precedent on its end-to-end jurisdictional analysis and mixed use policies would justify precluding state regulatory involvement in IP-enabled services.

The Comments to the record clearly support Alcatel's position that the Commission exert exclusive jurisdiction over IP-enabled services for many of the reason's stated in Alcatel's Comments. A strong and diverse majority of the parties advocated exclusive federal jurisdiction for these services, including the major ILECs, the association of CLECs, cable television providers, the Consumer Electronics Association, major telecommunications equipment manufacturers, and associations representing the Information Technology industry. Opponents of exclusive Federal jurisdiction were a minority of commenters, and most of them were state regulatory bodies that have a vested interest in maintaining their jurisdiction.

Alcatel urges the Commission to act in this docket expeditiously, but with a particular emphasis on the jurisdictional issues. State regulatory agencies have concluded or initiated proceedings to determine their jurisdiction and/or regulatory requirements on IP-enabled service providers. If necessary, the Commission should consider segregating the jurisdictional issue from all of the other issues raised in the NPRM and the docket and releasing an order preempting state regulatory activity in IP-enabled services as soon as possible.

Respectfully Submitted,

By: /s/

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